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Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board

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UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – May 7, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Andrew Bedar (AB)
- Evan Bjorklund, Massachusetts Office on Disability (EB)
- Raymond Glazier
- Dawn Guarriello (DG)
- Jane Hardin (JH)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Board Members Not in Attendance:

- David Johnson (DJ)
- Walter White (WW)

Also in Attendance:

- Thomas Hopkins, Executive Director (TH)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

Board Members in Attendance:

JH - DG, HR, AB, PM, EB

- Meeting began approximately 9:00 a.m.

Incoming Case Review:

1) Stokes Hall, 59-107 College Road, Chestnut Hill, C16-055, V18-108

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Two violations that have been corrected. 20.9 accessible route slope more than 5%. They intend to fix. Seeking a time variance for 27.4.1, steps with handrail. Work to be completed 8/1/2018.

RH motioned to grant. EB seconded, Passed unanimously.

2) Chapel of the Most Blessed Trinity, 885 Centre Street, Newton, C16-068, V18-109

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

24.1, 24.2.1, 24.4 Seeking a time variance to continue the use of existing ramp until new ramp built over summer to be completed 9/1/2018.

AB motioned to grant. DG seconded. Passed unanimously

3) McGuinn Hall, 140 Commonwealth Ave., Chestnut Hill, C16-071, V18-110

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Complaint for number of accessible seats. Accessible features resolved. Impracticable to install removable seats. Will comply by 9/1/2018.

EB motioned to grant. PM seconded, passed unanimously.

4) Cushing Hall, 140 Commonwealth Ave., Chestnut Hill, C16-072, V18-111

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Requesting a time variance for existing path to parking for remaining months of occupancy.

Occupied until June 1, 2019 demolition to start shortly after.

HR motioned to grant. PM seconded, passed unanimously.

5) Gasson Quad, 140 Commonwealth Ave., Chestnut Hill, C16-073, V18-112

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

27.4.1 Continuous handrails, has exterior stair without handrails. Have a design to do over the summer. Completed by 9/1/2018.

PM motioned to grant. AB seconded, passed unanimously

6) Thomas P. O’Neil Jr. Library, 140 Commonwealth Ave., Chestnut Hill, C16-074, V18-113

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

6 violations, resolved – 2.6, 20.1 dismissed, sidewalk surfaces. Need to wait for weather to complete work. Asking for 12/1/2019 to complete work.

HR motioned to grant, PM seconded, passed unanimously.

7) Vanderslice Hall, 70 St. Thomas Moore Road, Boston, C16-078, V18-114

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

24.2.1 slope, 27.4.1 handrails, 21.3 slope max 1 in 12. To high of a running slope. Curb cuts built in 1992. Plan to reconstruct many outdoor features by end of 2019. Will adjust grades. Fix curb cuts and add handrails. 12/1/2019 time variance.

HJ motioned to grant, EB seconded, passed unanimously.

8) Vanderslice-Stayer, Parking Lot, Campanella Way, Chestnut Hill C16-079, V18-115

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Parking van accessible, lack of signage, surface, lacks van accessible space, spaces not level, no pavement markings. Will reconstruct many outdoor features.

Seeking a time variance until 12/1/2019.

EB motioned to grant. HR seconded, passed unanimously.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

9) Chestnut Hill, Lower Campus, 140 Commonwealth Ave., Chestnut Hill, C16-080, V18-116
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
21.3, 21.8.
9/1/2018

PM motioned to grant. RH seconded, passed unanimously.

10) 886 Center Street, Parking Lot, Newton, C16-082, V18-117
Exhibit – Variance Application and associated documents
Signage, parking

AB motioned to grant. EB seconded, passed unanimously.

11) Chestnut Hill, Red Brick Walkway, 140 Commonwealth Ave., C16-083, V18-118
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
22 slope of walkway greater than 5%.
24.4
22.6 grading and drainage
Asking for a piece of the sidewalk to remain. Accessible routes around it, it is a small area. They have signage on campus.

RH motioned to grant. EB seconded, Passed unanimously.

12) Curb Cuts, 2121 Commonwealth Ave., Brighton, C16-086, V18-119
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
21 slope
21.4 transitions
A study was performed on this location. There is a solution but it would require relocating the curb cut and renovating intersection. Asking for a time variance until 12/1/2019 to rebuild intersection.

PM motioned to grant. EB seconded, passed unanimously

13) Lyons Hall, 140 Commonwealth Ave., Chestnut Hill, C16-085, V18-120
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Door pressure, handrails, signage at entrance, listening systems.
Listening installed, signage installed
26.81
27.4.1
Steps and handrails at Lyons Hall. Proposed handrails and auto door opener by 12/1/2019.

EB motioned to grant, DG seconded. Passed unanimously.

May 7, 2018

14) Miles Morgan Development, Miles Morgan Court, Wilbraham, V18-121

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Elderly housing consisting of 5 building with 8 dwellings each. Over 30%. Seeking full compliance variance for 9.4.2 distribution. 40 1 bedroom units for elderly. Have another development 35 units in renovation Pine Project. At completion of Pines project they will add additional units at Pines project. Asking to not have accessible at Miles and have them at Pines. MOU signed by Ed Kelly.

RG arrived

HR motioned to grant, DG seconded, RG abstained. Motioned pass.

15) MIT.Nano, Building 12, Massachusetts Ave., Cambridge, V18-122

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Public entrance first floor of building 10. 3.3.1 Jurisdiction. There are two entrances. Adding entrance with 9 stairs into basement with elevator bank to the right. Fire department objected to ramp because they couldn't make the turn where the ramp is.

DG motioned to grant with signage. HR seconded, passed unanimously.

16) McLean Hospital, S. Belknap Building, Geriatric Programs, 115 Mill Street, Belmont, V18-123

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

3 week upgrade project for elevator. 1st and 2nd floors locked inpatient units. Proposed to rent Bruno chair lifts for the weeks the elevator is being worked on. Patients are escorted by staff. If it takes longer than three weeks come back for additional time variance.

HR motioned to grant on the condition that if it takes longer than three weeks to upgrade the elevator, the petitioner comes back to the Board for additional time, and the petitioner needs to let the Board know when the three week period starts. EB seconded, passed unanimously.

17) George Close Building, 243 Broadway, Cambridge, V18-125

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

6 story with 61 affordable apartments. 4 will be group 2B. Handrails, guard rails. Over 30%. 6 variances in packet.

HR motioned to packet for next meeting. PM seconded, passed unanimously.

18) Lincoln Street Elementary, 549 Lincoln Street, Worcester, V18-126

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 4 of 23

V18-126 and V18-127 are over 30% seeking 21 variances in each variance.

19) Thorndyke Road School, 30 Thorndyke Road, Worcester, V18-127

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

RG motioned to have a hearing on both V18-126 Lincoln Street Elementary and V18-127 Thorndyke Road School. DG seconded, passed unanimously.

20) Ten Pin's Cape Cod Mall, 769 Iyannough Road, Hyannis, V18-128

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Interior renovation of 5 retail spaces and Ten Pens laser tag, bowling. Seeking variances for two ramps serving platform at laser tag arena.

PM motioned to grant on the condition that they have policy for inclusion and it is sent to the Board. DG seconded, RG opposed.

21) Medical Research, 211 Massachusetts Ave., Cambridge, V18-130

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

2 story building above grade with basement. Basement will be used as employee only med clinic. Did not give spending but states over 30%. Two ramps in the basement want to maintain as is, slopes 1 in 8 width between handrails 38 and 40 inches.

HR motioned to continue for the Executive Director to meet with the petitioner. RG seconded, passed unanimously.

22) Paddock Estates, 1 Paddock Lane, Boxborough, V18-131

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

11 three story residential with detached garages. 3.2 new construction, one club house and 1 maintenance building. Seeking relief from 6 variances.

HR motioned to packet for next meeting. PM seconded, passed unanimously.

23) Schlesinger Library, 3 James Street, Cambridge, V18-132

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Renovation remodeling to include first floor spaces, elevator, toilet rooms, over 30%. In 2013 granted relief for 4 sections of 27, 27.4.3, 27.4.4, 27.4.5, 27.3 - seeking the same relief based on the current 30% trigger for East stairwell only.

EB motioned to grant, RG seconded, passed unanimously.

24) 7887 East Street Pittsfield, V18-139

The petitioner asked for the two week waiting period to be waived.

DG motioned, to waive the two week waiting period. PM seconded, passed unanimously.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 5 of 23

Restaurant space with two sloped landings. Seeking relief for two slopes and entries. Distance between wall and handrails is 45 instead of 48. Seeking relief for 60 inch landing at top.

24.5.1, 24.5.4,

Putting in auto door

26.6.4 not needed

26.6.3 not needed

Do need handrail on 1 side, landing and width

EB motioned to grant as proposed to the extent that it is needed.

EB seconded, passed unanimously.

25) The Caleb Spooner House, 22 Centre Street, New Bedford, V18-102

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Received a letter from Mass Historic supporting.

They are not proposing anything.

Needs signage saying not accessible.

Are there other buildings that offer tours? If there are others, this one I can't get into but maybe the next building has a visual tour, AV experience.

Proposed to be opened to a private business. Applied for by the person wants to open gallery, have not heard from owner of building.

Should we have request come from landlord.

RH motioned for the Executive Director to have a meeting with the building owner and business owner for detailed information. PM seconded, passed unanimously.

26) Amendment -Middlesex Building, University Amherst, V18-078

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On 4/19/18 the Board granted relief to two sections.

Amendment is asking to change dimensional requests to be equal 41 ½ sidewalk and 41 ½ for ramp.

RG motioned to grant. EB seconded, passed unanimously.

27) Tewehado Church of Boston, 24 Maywood Street, Roxbury, V17-115

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On 4/23 the petitioner wrote to board seeking change to the Board's order form a year ago. We accepted a plan for compliance, they were over 30%. Asking to eliminate ramp to alter. Michael Muehe is opposed. They are time barred. The petitioner is changing the plan drastically.

Proposing to get rid of ramp to alter. Propose no ramp to alter. Drawing shows outside ramp is gone.

Pm motioned to deny. AB seconded, passed unanimously.

At the end of construction they are expected to comply with plan.

EB left the room.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 6 of 23

28) The Milton Marketplace, 10 Bassett Street, Milton, V17-231

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Following the hearing the Board ordered further study of access to roof deck. Originally denied but allowed further submittals. Additional materials were submitted. The petitioner wants to add 14 seats. Large step in a little alcove. People need to know ahead of time that the roof deck is not accessible.

EB came back

HR motioned to accept with the condition of notice on the petitioner's website and the property that the roof deck is not accessible. PM seconded, passed unanimously.

29) The Engine, 497-507 Mass. Ave., Cambridge, V18-099

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

4 story building. Current project converts former Radio Shack and office into additional office and work space for the Engine. AAB 5. Need signage on website and property.

AAB 15 clear signage and making it look more inviting.

HR motioned to grant on the condition of additional signage, lighting, automatic door opener on rear door and with a compliant rear entry.

EB seconded, DG abstained. Motion passed.

30) Bus Stops, Multiple Locations, Boston, V18-089

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

HR motioned to grant on the condition that photos of each project is provided demonstrating that bus stops are usable especially for people in wheelchairs.

RG seconded, Passed unanimously.

31) V18-148 UMass

Handrails for temporary ramps. Handrails do not comply. Commencement is May 12.

Seeking 24.5.3 and 24.5.4, design shows this is Amramp.

HR motioned to deny and order that Amramp fix their product and send the board pictures.

PM seconded, passed unanimous.

32) Loring Arena, 165 Fountain Street, Framingham, V16-018

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

EB recused himself.

Amendment submitted from Framingham city regarding ticket transaction counter 35 inches from floor complies, the width of the glass doesn't comply.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 7 of 23

RG motioned to grant as proposed. PM seconded, EB recused. Motion passed.

33) Gensouen Tea House, 299 Harvard Street, Brookline, V17-291

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On May 2, 2018 following a meeting with the Executive director, a new design was submitted.

On May 3, the Board received an email from Sarah Lynne Allaire supporting the proposed changes. They are good to me but the COD can't review in time.

EB motioned to grant as proposed. DG seconded, passed unanimously.

34) Rusty Anchor, 1451 North Street, Pittsfield, V13-285

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Decision from 2/2014 regarding vert access to second floor – not be used for public unless vert access is provide or modified access to the second floor, or an affidavit saying employee only.

The owner wrote seeking permission to use 2nd floor until lift is installed in 8 weeks or June 1.

Contract is signed by Guaraventa not owner. It was issue to owner 3/6/18 expiration 5/8/18.

They have no contract. June Hailer wrote the commission doesn't have a problem with the condition that AAB closes them by June 1, 2018 if not compliant.

We asked for deposit check.

HR motioned to deny the variance request and request the information necessary in order to move the request forward. AB seconded, passed unanimously.

PM motioned to expedite this case. EB seconded, passed unanimously.

Hearings

11:00 – Lobstah on a Roll, 537 Columbus Avenue, Boston (V18-016) - Variance Hearing

Exhibit #1 Hearing packet AAB 1 – 72

Paul Gibbs, Consultant (PG)

David Spinney, Owner (DS)

All parties were sworn in.

JH, DG, HR, AB, PM, EB, RG

PG – This is an unusual circumstance. It used to be a church or part of a school. Converted to a hair salon. In 2015 leased to a restaurant. Huge factor was that it was takeout only. They put in seats for people to wait near counter. Didn't require a restroom. But because they put in seats a restroom is required. My Spinney's business moved in. Need 1 rest room. In order to make accessible will eliminate counter service and waiting space in mezzanine. In first floor won't be able to use. They have outside seating in seasonal. We are requesting variance to stop people from complaining to ISD or the city. He has a bathroom but it is not accessible. Can't put in a lift.

DS- The space is very small to add would take away from the kitchen, etc.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 8 of 23

PG - 600 sq. ft. 200 in mezzanine. Has two steps going up. We agreed to put a buzzer, menu, info on website.

DG - What is on mezzanine?

PG - Bathroom and storage.

HR – AAB 9 just to review, you are committing to buzzer, lighted menu, website with info.

DS –Correct

AB – Toilet?

PG -Without seats the plumbing board does not require a bathroom. We do have a bathroom but not accessible.

DS - It is on mezzanine level.

PM - Is there a handrail going to mezzanine?

DS - Yes

AAB38

PG - On both sides.

EB - AAB 56 See chairs, I walk in and order and sit-down. Does staff eat there?

PG - Once you have a seat you need an accessible restroom. Most people walk out.

RG – Railing on stairs at mezzanine do they meet code?

PG – the stairs are not wide enough, handrail can be made to code.

RG – Nosings

JH – How many chairs do you have?

PS – 8 and no table

JH – It is not a good space to sit and dine?

PS - No it isn't.

PG - Along glass is very narrow at most 18 inches. Not for sitting and eating.

HR motioned to approve the variance with the conditions that there is a buzzer, lighted menu, website updated with accessibility, offer of delivery of food, staff training and retraining, outdoor signage on wall, compliant handrails and if stairs need a variance, a variance is applied for, work to be completed by June 1, 2018 with pictures sent to the Board.

RG seconded, passed unanimously.

35) Pandemonium Books and Games, 4 Pleasant Street, Cambridge, V17-254

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Gave a date of 4/1/18 for lift to be repaired replaced or the basement would be closed. Owner wrote to the board asking for 8 week extension he changed for a vert wheel chair lift to 8/1/18 with the same order of closing basement if not done.

The lift was out of service 8 – 9 years.

EB motioned to grant as proposed with vertical wheelchair lift to be installed by 9/1/2018.

PM seconded, passed unanimously.

36) Bulfinch Crossing, 100 Sudbury Street, Government Center Garage, Boston, V17-005

Exhibit – Variance Application amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

NOA issued 4/28/17 continued for relief from 24.4 landings until they can provide drawing for a compliant alternative. C3 submitted a test drawing and asking to withdraw the variance request and they will do the ramp.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 9 of 23

EB motioned to grant. DG seconded, passed unanimously.

37) Mezzo 777 Cold Spring Road, Williamstown, V17-277

Exhibit – Variance Application, amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Seeking amendment to 10/30/17 request. Asking for amendment for steep grades.

Haven't received requested information. If you grant the amendment you will be granting 7 steps instead of 6 reaffirm previous orders 1 – 5.

Motioned to grant with the condition of reaffirming the previous order for photos for items 1-5 when the work is done. PM seconded, passed unanimously.

38) Mixed Use Hotel Residential, 40 Berkeley Street, Boston V16-266

Exhibit – Variance Application, amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On 4/27/18 submitted review of removal of interior walls. Saying can't make compliant guest rooms.

HR motioned to deny the variance request. DG seconded, passed unanimously.

Want plans for compliant guest rooms.

39) Bishop Fenwick High School, 99 Margin Street, Peabody, V17-288

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Gray architects provided information asked for in the decision. 80 doors require new lever hardware. Cost \$18,000 to replace. Should ask them to do it.

DG motioned to deny. EB seconded, passed unanimously.

The Board Broke for Lunch

40) Multifamily Multi locations Boston, V17-329

Exhibit – Variance Application, plan for laundry room and associated documents

Mr. Hopkins presented the Variance Application and associated documents

Submitted a response. Proposed door to laundry room is it compliant.

Submitted a plan for the laundry room that makes it comply. Need relief for doors in 6 inch masonry opening. Putting auto door openers.

RG not back yet.

HR motioned to accept the plan with an automatic door opener and grant as proposed on 26.6.2.

PM seconded, passed unanimously.

PM Motion that there is no AAB jurisdiction on the sidewalk.

EB seconded, passed unanimously.

RG back. RG, DG abstained.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 10 of 23

1:00 - Assabet Park, Corner of South and Gale Streets, Northborough (C16-100) - Complaint Hearing

Exhibit #1 Hearing packet AAB 1-23

Exhibit #2 Accessible path estimate

Exhibit #3 Overhead view of page 11 Northborough Assabet Park Playground

Exhibit #4 Capital Improvement program

Exhibit #5 Capital Asset Plan

Exhibit #6 two pictures

Exhibit #7 Email from Scott Ricker to Inspector Frederico

David Donesci Town Counsel (DD)

John Coderra, Town administrator (JC)

Scott Charpentier, DPW (SC)

Robert Frederico, Building Inspector (RF)

Scott Ricker, on phone (SR)

William Joyce, AAB Compliance Officer

RG, EB, JH, PM, AB, HR, DG

The parties were sworn in in the chair.

WJ – The complaint was first submitted in 2016. Lack of accessible routes. At the time of complaint the surface was woodchip. Woodchips do not meet the standard. There was a response from the town at first. There were two items didn't show routes going to – airplane and dolphin. The most recent communication was in December 2017.

SR – Thanked the Board. I found there was a new fencing put in at the accessible route. I spoke to the inspector about the fence blocking the accessible route. Inspector Atchute said to file a complaint. There isn't an accessible entrance after the fencing was installed. I also must say that it appeared to be designed with access in mind but for the fence.

DD – There was some correspondence involving town people and Mr. Ricker. There was a passage of time due to officer transaction. Building inspector and DPW director. With that said, we identified the route requirements. All but two items were acceptable. The board's letter was in 4/2017. What is the cost to do this work? A cost estimate was prepared to determine what would be the expense.

SC – Accessible routes to play equipment and perimeter route is included in the estimate.

Rubberized play surface, concrete. Rubberized outside of fall zone.

DD – Showed an overhead view

SC - I utilized a sketch. Highlighted different materials.

DD - Offered as an exhibit reproduction of overhead that appears on page 11.

DD- with the cost, this project will be of the type in capital improvement plan. I do have 1 page from capital improvement program identifying rehabilitation of park

DD – \$115,000 estimate to address issues. And a cost allocation. From town's perspective...

I would like to ask Mr Coderra

JC- Town Administrator. As DD indicated the town has been successful in capital planning. Administrator for 10 years. We follow national best practices. I train other municipalities on these best practices. I present for the Governor. MMA training and go to communities looking

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

for help for no charge. You are trying to figure out if we really care. We are not giving a song and dance. We have an excellent overall plan.

Provided capital plan.

Every project we do for the next 6 years is in the plan. Assebet Park constructed by volunteers and donations. We want to look at how park needs to be rehabilitated. Want to dedicate it to younger children. Adjacent to it we required additional land. We want to find ways to get access to make it all coordinated. In 2023 we divide capital projects. We are asking for time to let the process play out. We are going to identify grant programs. Approach it logically. We want the time to fit the project into the plan. We are trying to do the right.

SR - I appreciate the work you put in, the issues at memorial park were not corrected until I brought it up.

JW – AAB staff goes through the normal process. They are asking for 6 years. Longer than we have allowed. It is long period of time.

SR - I didn't know it was a 6 year request, it is excessive.

DD - I will ask Mr. Coderra to address timing

JC- Fiscal 19 has been approved working on 2020. 2024 will be split into 2023.....

In 2023.....in 2024 design

These funds and process would be pushed forward into the previous years.

SR - I didn't hear the board voted to substantiate the complaint.

JH – We didn't get there yet.

DD - Two items. How we are her to get to the boards jurisdiction.

Email and photographs 9/12/2016SR to former Building Inspector – installation of fence.

JW - Regarding the Board's jurisdiction 3.3.1a triggered when they put woodchips down. Hard to believe they haven't put down since 1996. The board's jurisdiction is clear.

DD - Document that SR prepared to current building inspector Frederico. I will submit to reflect that the town has engaged

DD- It is appropriate to understand all of the context the town has undertaken.

JC – I am a resident. Over a decade ago parents contacted DPW. Kids want to wander off. The fence was built so kids wouldn't wonder into the splash park.

I want to address a comment on Memorial field. That project came out of planning process to add handicapped parking working with the preservation committee. To put accessible stand so everyone can watch the games. We don't have path into the dugout. Not fair to say nothing happened until there was complaint.

JH - We are talking about the kid that wants to go to the playground today...

DG - When was the playground built?

1998

DG - Why did it take so long to address it has been about 16 months.

DG - \$20,000 engineering line item, what is that for?

SC - I would hire an architect \$20,000 is adequate to do a land survey.

JC- That is the reason why we continue to develop the plan.

DG - 2024 is a long time.

SR - I find there was an accessible route and fenced off. Now 6 years to correct.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

WJ - First put in when I was new. The town needed a variance to put in the fence.
HR – issue to route to play ground, issue to perimeter, issue to surface - is it an issue, is there an issue to material?
JW – exhibit 3
Woodchips are not allowed now.
HR – Are you using woodchips or wood fiber?
SC- Wood fiber
WJ – Currently the playground is in violation. EX 3 as proposed would comply.
HR – Are there parking issues? Any other issues?
No to parking.
HR – Did you do an ADA transition plan?
No
Any other playgrounds that are accessible.
JC - Lincoln street elementary school with rubberized play surface.
AB does capital include maintenance.
JC - Maintenance is in DPW operating budget.
PM - what is the width of the path? Would you consider putting in the fence blocking would you consider it to be fixed sooner?
Yes
JW - Are proposing to put in a child safe gate.
JW - AAB 21 splash pad.
SR - That is a grass route.
SC - The asphalt has been removed and it is grass now.
EB – No ADA transition for the town.
JC - No.
EB – The playground life for people not being able to utilize it. I don't feel it is an excessive amount.
TH – AAB 17 is there a representative from the architect group??
JC – No
TH – She has done an analysis on some of your playgrounds? I would like to see the reports on your playgrounds. We have had problems with them.
DD - The letter AAB 17 references Nancy White who would be retained but not reports that she has prepared for the town. That is what is stated but not aware of any report she prepared.

RG motioned to take under advisement. DG seconded, passed unanimously

2:00 –Whole Foods Market, 193 Boston Turnpike, Shrewsbury (V18-050) – Variance Hearing
Exhibit #1 Hearing package AAB 1 – 67
Exhibit #2 letter from Mike Kennedy

Michael Scott, Nutter, McClennen – Whole Foods, Attorney
Robert Donnelly, Whole Foods
Steve Ouellete, Jacobs – Whole Foods, Architect

All parties were sworn in by the Chair.

JH, DG, HR, AB, PM, EB, RG

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.
Page 13 of 23

Director Hopkins read Mike Kennedy's letter into the record. He is ok with option 1 request open flip out. Concerned that AAB request was filed after the fact.

TH - We assisted WF with a vote through Patty Sheehan we let them open on a TCO. They have been operating on a TCO. Section 7 is the issue. We had a WF case and other cases.

SO – Doing the fit out. Improve on the letter from Kennedy. Install 1 compliant and 1 flip up gate. The option two was two gates. \$40,000 to retrofit one of the cases. Would also be a loss of products offered and loss of revenue.

Option 1 we do install 1 accessible counter.

DG - Why did this get missed?

SO -you end up reducing products.

EB – Do you have anything written for impracticability?

SO – Loss of sales. It can be built in from the get go. It would reduce overall footprint. Leases are very high. Hard to find the balance. You have a potential to lose customers.

HR motioned to grant on Option 1 as proposed. EB seconded, passed unanimously.

Minutes from April 9 and April 23

*HR motioned to accept the minutes from April 9, 2018 and April 23, 2018.
PM seconded, passed unanimously.*

Revisit of Assabet Park, Corner of South and Gale Streets, Northborough (C16-100)

RG motioned to reopen the case. EB seconded, passed unanimously.

DG motioned to fine in favor of complaint. RG seconded, passed unanimously.

DG motioned that by July 1, 2018, the wood step at the safety gate to the entry to Assabet Park is made flush with the pavement as well as the asphalt be put back with a child safety gate to the level of accessibility that there previously was. EB seconded, passed unanimously.

DG motioned to give time through the fall town meeting 2018, or as special meeting, to appropriate money to have accessible routes to the playground and around the equipment per the sketch of exhibit finished. If money is not approved, the Board will ask for the park to be closed. If there are any reports for any of the playgrounds from Nancy White, they will be provided to the Board, and the Building Inspector is to be reminded that it is his responsibility to inspect the playgrounds. EB seconded, passed unanimously.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 14 of 23

41) V17-020 233 Cotuit Drive, Framingham

In decision ordered affidavit for basement be provided or compliance before any public use.

EB motioned to accept the affidavit as proposed they need to file with the registry of deeds, book and page delivered to board and Framingham building. AB seconded, passed unanimously.

42) Wilshire Apartments, Boston, V18-042

Exhibit – Variance Application, amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Previously before the board. The petitioner is seeking an amendment for 22.3 and 22.3.1 as indicated in red on plans SKCE001 and SKCE002.

No letter of permission from the town.

DG motioned to grant. EB seconded, passed unanimously.

43) Stratton Hall, Tufts University, 45 Talbot Avenue, Somerville, V14-291

Exhibit – Variance Application, amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

In 2014 granted complete relief to the building. Now they want to make the basement accessible. Only the 3 and 4 floor will not be accessible. We will include the decision from the hearing.

DG motioned to packet the amendment for next meeting 5/21/18. EB seconded, passed unanimously.

44) Savage Field, 36 Vale Street, Clinton V17-295

Exhibit – Variance Application, responses and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Send in responses.

Need to submit written policy on the lift and where it is going to be maintained.

DG motioned to packet for 5/21/2018. EB seconded. Passed unanimously.

45) Boys and Girls Club Event – Canton Ave, Milton. Advisory Opinion

Exhibit –Associated documents

Mr. Hopkins presented the Variance Application and associated documents.

They sought permission to set up tents and because of the land they will set flooring and then tents. Will be putting a guard rail system around the tent. Inspector has issues with parking and toilets. Commissioner took questions to town council that said there is no jurisdiction. Inviting 500 guests.

HR motioned that AAB disagrees with town council because it is a public event the AAB has jurisdiction over the tent, toilets, parking and any other areas that need to be in compliance. RG seconded, passed unanimously.

JH left for the day.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 15 of 23

EB took over as Chair.

3:00 - Street Level Cafe, 125 Newbury Street, Boston (V17-159) – Variance Hearing
Exhibit #1 AAB 1-49
Vincent G. Norton, Jr., Urban Meritage (VN)
Doug Anderson, C3, Consultant (DA)

The parties were sworn by the Chair.

EB, AB, RG, HR, DG

DA – I represent the tenant moving into the space. Construction cost of build-out retriggers full compliance for café and common areas of building. Variances that were granted. Café build out triggers my variance for upper level rest rooms that would need to be compliant.

DA - AAB25, Shows upper and lower level of café. Lower plan is lower level in basement. Due to number of seats in café, 36, plumbing code requires separate for men's and woman's. Variance request, there is no way to make compliant. There is a mechanical closet..... technologically unfeasible

HR – The gray blocks are the restrooms?

DA - Yes.

HR - The restroom on AAB 25....what is the reason why the one of first can't be compliant?

DA - That is a door entry into the building. The space to the left is mechanical closet.

HR - It looks like it could be large enough.

VN - The rest room on lower level has compliant dimensions. The two upper ones we cannot get compliant.

HR - Do you have the dimensions?

VN – Not a five foot turning radius.

HR – What is the wall between the walls?

VN – plumbing wall. AAB 69 shows some dimensions.

HR - Could they combine?

DG - It might be a plumbing code?

DA – Not be able to have 42 inches in front of toilet if on long wall. Will have center line to sink. We are shy on both sides.

HR - How do you feel about putting in accessible features?

VN – We would be open to that.

RG - I like Harold's suggestions. It wouldn't be labeled as accessible, it would have grab bars etc.

HR motioned to grant on the conditions that there is appropriate signage throughout facility showing accessible bath, staff training, that there are 521 CMR fixtures located in each bathroom it won't be called an accessible bathroom, and information on website where the accessible bathroom is. RG seconded, passed unanimously.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page 16 of 23

46) Grafton Townhouse, One Grafton Common, Grafton V10-081

Exhibit – Variance Application, amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

They received grant money and renovating the interior of great hall. Existing stage is accessed via stairs. Allow the use of portable wheel chair lift. Purchase and installation will allow access to stage level and temp platforms. All areas of building will be accessible. 28.12.2f .

HR motioned to grant as proposed. DG seconded, passed unanimously.

47) Temporary Gallery, 95-127 West Rodney French Blvd, New Bedford V18-149

Exhibit – Variance Application, and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The petitioner requested to waive the two week waiting period.

RG motioned to waive the two week waiting period. DG seconded, passed unanimously.

Art pieces are so big can only fit into this gallery. Equipped with only a freight elevator. Relief from compliant elevator at this time. Conversion for passenger elevator is included in the capital. Elevator is 6 ft by 8 ft. Will be used only for July 1 – October 31, 2018.

Will take 6 to 8 months to complete after the exhibit. Fully compliant by July 1 2019.
On condition approved by BBRS or Sampson.

*DG motioned to grant the use of the freight elevator from July 1, 2018 to October 31, 2018.
RG second, passed unanimously.*

DG motioned to also grant use of the freight elevator from July 1, 2018 to October 31, 2018 on the condition the freight elevator has trained operators and given permission by Chief Sampson and/or the Board of Elevator Regulations. RG seconded

DB motioned to require the elevator be installed by July 1, 2019 and to be in compliance with 521 CMR. HR seconded, passed unanimously.

*DG motioned that during installation of the elevator a review of 521 CMR is done.
HR seconded, passed unanimously.*

RG motioned to have the information regarding the use of the freight elevator and when the new elevator will be installed on the website DG seconded, passed unanimously.

48) 1620 Winery 55 cordage Park Circle V17-315

Exhibit – Variance Application, amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Amendment submitted by Pat Fisher on May 1, 2018, asking for variance to 31.A. Must provide 1 sink and 1 toilet. Bathroom plan the owner came up with vintage piece of furniture sink that doesn't have knee space. Put compliant sink in the stall.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

HR motioned to Deny. RG seconded, passed unanimously.

HC parking –
Entrance embellishment

Gave affidavit for offices on second level.

HR motioned for a hearing on all issues. RG seconded, passed unanimously

49) Gore Place, 52 Gore Street, Waltham V17-185
Exhibit – Variance Application, amendment and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

We missed a few thing that they need relief on. They have shown us the pictures of the installed wedges. Seeking relief from 20.3 for the Family and West stairs
Stair width, they will act as exhibits.

*DG motioned to grant on the condition that they are never used and roped off.
RG seconded, passed unanimously.*

27.4.1

Narrow width of Family and West Stair – second handrail, won't be used for public or egress.

*HR motioned to grant on the condition that they are never used and roped off.
RG seconded, passed unanimously.*

25.6 signage – the petitioner requests to put signage on post at base of accessible walkway adjacent to the handicapped parking.

HR motioned to grant. DG seconded, passed unanimously.

28.1 Variance for vertical access elevator to deliver visitors to split mezzanine floor and second floor. Multiple elevators would be required to access each of the floors. Reserving room on 1st level for accommodation experience, narrated video or interactive display.

RG motioned to grant with the condition of a video or interactive display and for the Board to be provided the video, DD seconded, passed unanimously

Section 39 controls along the routes

*DG motioned to grant relief from section 39 for controls along the accessible route.
HR seconded, passed unanimously.*

HR Motioned to adjourn the meeting. RG seconded. Passed unanimously.

Due to time restrictions the following were not presented:

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Government Center MBTA Station, City Hall Plaza, Boston, V12-216
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Restaurant conversion form former church, 140 Main Street, North Easton, V16-091
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Saxonville Mills, 2 Central Street, Saxonville, V17-173
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Three Story Building, 233 Cochituate Drive, Framingham, V17-020
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Gerald Creamer Center, 120 Granite Street, Worcester, V17-202
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Belmont Street School, 170 Belmont Street, Worcester, V17-203
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Multiple Family, Multiple Locations, Boston, V17-329
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Barn, 317/341 Virginia Road, Concord, V18-027
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

Stokes Hall, 59-107 College Road, Chestnut Hill, C16-055, V18-108

Exhibit – Variance Application and associated documents

Chapel of the Most Blessed Trinity, 885 Centre Street, Newton, C16-068, V18-109

Exhibit – Variance Application and associated documents

McGuinn Hall, 140 Commonwealth Ave., Chestnut Hill, C16-071, V18-110

Exhibit – Variance Application and associated documents

Cushing Hall, 140 Commonwealth Ave., Chestnut Hill, C16-072, V18-111

Exhibit – Variance Application and associated documents

Gasson Quad, 140 Commonwealth Ave., Chestnut Hill, C16-073, V18-112

Exhibit – Variance Application and associated documents

Thomas P. O’Neil Jr. Library, 140 Commonwealth Ave., Chestnut Hill, C16-074, V18-113

Exhibit – Variance Application and associated documents

Vanderslice Hall, 70 St. Thomas Moore Road, Boston, C16-078, V18-114

Exhibit – Variance Application and associated documents

Vanderslice-Stayer, Parking Lot, Campanella Way, Chestnut Hill C16-079, V18-115

Exhibit – Variance Application and associated documents

Chestnut Hill, Lower Campus, 140 Commonwealth Ave., Chestnut Hill, C16-080, V18-116

Exhibit – Variance Application and associated documents

886 Center Street, Parking Lot, Newton, C16-082, V18-117

Exhibit – Variance Application and associated documents

Chestnut Hill, Red Brick Walkway, 140 Commonwealth Ave., C16-083, V18-118

Exhibit – Variance Application and associated documents

Curb Cuts, 2121 Commonwealth Ave., Brighton, C16-086, V18-119

Exhibit – Variance Application and associated documents

Lyons Hall, 140 Commonwealth Ave., Chestnut Hill, C16-085, V18-120

Exhibit – Variance Application and associated documents

Miles Morgan Development, Miles Morgan Court, Wilbraham, V18-121

Exhibit – Variance Application and associated documents

MIT.Nano, Building 12, Massachusetts Ave., Cambridge, V18-122

Exhibit – Variance Application and associated documents

McLean Hospital, S. Belknap Building, Geriatric Programs, 115 Mill Street, Belmont, V18-123

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Exhibit – Variance Application and associated documents

George Close Building, 243 Broadway, Cambridge, V18-125

Exhibit – Variance Application and associated documents

Lincoln Street Elementary, 549 Lincoln Street, Worcester, V18-126

Exhibit – Variance Application and associated documents

Thorndyke Road School, 30 Thorndyke Road, Worcester, V18-127

Exhibit – Variance Application and associated documents

Ten Pin's Cape Cod Mall, 769 Iyannough Road, Hyannis, V18-128

Exhibit – Variance Application and associated documents

Medical Research, 211 Massachusetts Ave., Cambridge, V18-130

Exhibit – Variance Application and associated documents

Paddock Estates, 1 Paddock Lane, Boxborough, V18-131

Exhibit – Variance Application and associated documents

Schlesinger Library, 3 James Street, Cambridge, V18-132

Exhibit – Variance Application and associated documents

Rusty Anchor, 1451 North Street, Pittsfield, V13-285

Exhibit – Variance Application, amendment and associated documents

Stratton Hall, Tufts University, 45 Talbot Avenue, Somerville, V14-291

Exhibit – Variance Application, amendment and associated documents

Wilshire Apartments, Boston, V18-042

Exhibit – Variance Application, amendment and associated documents

Loring Arena, 165 Fountain Street, Framingham, V16-018

Exhibit – Variance Application, amendment and associated documents

Restaurant conversion from former church, 140 Main Street, North Easton, V16-091

Exhibit – Variance Application, amendment and associated documents

Tewehado Church of Boston, 24 Maywood Street, Roxbury, V17-115

Exhibit – Variance Application, amendment and associated documents

The Milton Marketplace, 10 Bassett Street, Milton, V17-231

Exhibit – Variance Application, amendment and associated documents

Bulfinch Crossing, 100 Sudbury Street, Government Center Garage, Boston, V17-005

Exhibit – Variance Application amendment and associated documents

Mezzo 777 Cold Spring Road, Williamstown, V17-277

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Exhibit – Variance Application, amendment and associated documents

Pandemonium Books and Games, 4 Pleasant Street, Cambridge, V17-254

Exhibit – Variance Application, amendment and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Bishop Fenwick High School, 99 Margin Street, Peabody, V17-288

Exhibit – Variance Application, study and associated documents

Gensouen Tea House, 299 Harvard Street, Brookline, V17-291

Exhibit – Variance Application, amendment and associated documents

Bus Stops, Multiple Locations, Boston, V18-089

Exhibit – Variance Application, and associated documents

The Engine, 497-507 Mass. Ave., Cambridge, V18-099

Exhibit – Variance Application, and associated documents

Savage Field, 36 Vale Street, Clinton V17-295

Exhibit – Variance Application, responses and associated documents

Boys and Girls Club Event – Canton Ave, Milton. Advisory Opinion

Exhibit –Associated documents

The Caleb Spooner House, 22 Centre Street, New Bedford, V18-102

Exhibit – Variance Application, and associated documents

Grafton Townhouse, One Grafton Common, Grafton V10-081

Exhibit – Variance Application, amendment and associated documents

Temporary Gallery, 95-127 West Rodney French Blvd, New Bedford V18-149

Exhibit – Variance Application, and associated documents

Gore Place, 52 Gore Street, Waltham V17-185

Exhibit – Variance Application, amendment and associated documents

1620 Winery 55 cordage Park Circle V17-315

Exhibit – Variance Application, amendment and associated documents

Lobstah on a Roll, 537 Columbus Avenue, Boston (V18-016) - Variance Hearing

Exhibit #1 Hearing packet AAB 1 – 72

Assabet Park, Corner of South and Gale Streets, Northborough (C16-100) - Complaint

Exhibit #1 Hearing packet AAB 1-23

Exhibit #2 Accessible path estimate

Exhibit #3 Overhead view of page 11 Northborough Assabet Park Playground

Exhibit #4 Capital Improvement program

Exhibit # 5 Capital Asset Plan

Exhibit #6 two pictures

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Exhibit #7 Email from Scott Ricker to Inspector Frederico

Whole Foods Market, 193 Boston Turnpike, Shrewsbury (V18-050) – Variance Hearing

Exhibit #1 Hearing package AAB 1 – 67

Exhibit #2 Letter from Mike Kennedy

Street Level Cafe, 125 Newbury Street, Boston (V17-159) – Variance Hearing

Exhibit #1 AAB 1-49

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

May 7, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Page **23** of **23**